

REMARKS/ARGUMENTS

Claims 68-91 are pending. Claims 68-91 are rejected. Claims 68 and 78 are amended herein. Claim 92 is new.

As discussed below, all of the claims are in condition for allowance. **But if after considering this response, the Examiner does not allow all of the claims, then the Applicant's agent formally requests that the Examiner contact him to schedule and conduct a telephone interview before issuing a subsequent office action.**

Rejection of Claim 68 Under 35 U.S.C. § 112 ¶2 As Being Indefinite

Claim 68 is amended to overcome the rejection. In particular, claim 68 recites, in part, "a method for controlling access to digital content, the method comprising storing with a first computing device a plurality of licenses for authorizing use of the content, the licenses being defined from a configurable rule that is based at least in part on at least one user attribute; ... and providing with a third computing device an option to modify at least one of the user attributes to qualify for a license, if none of the plurality of licenses authorizes the use.

Claim 68 thus recites a definite limitation for qualifying for a license and claim 68 is allowable under section 112.

Rejection of Claims 68-72, 74, 77-91 Under 35 U.S.C. § 102(e) Over Spagna et al. (U.S. Patent No. 6,587,837)

Claim 68

Claim 68 recites, in part, "storing with a first computing device a plurality of licenses for authorizing use of the content, the licenses being defined from a configurable rule that is based at least in part on at least one user attribute; and providing with a third computing device an option to modify at least one of the user attributes to qualify for a license, responsive to the determining finding that none of the

plurality of licenses authorizes the requested use.”

In contrast, Spagna apparently does not disclose “licenses being defined from a configurable rule that is based at least in part on at least one user attribute.” Spagna, at the cited location, discloses data in Usage Conditions can include copy restriction rules, the wholesale price, and any business rules deemed necessary. No further disclosure is provided related to licensing conditions. None of the listed “copy restriction rules, the wholesale price, or any business rules deemed necessary” relates to a user attribute.

Thus, Spagna does not disclose all the limitations of claim 68, and claim 68 is allowable over Spagna.

Claim 69

Claim 69 is allowable by virtue of its dependence from claim 68 and for at least the reasons given for claim 68.

Moreover, Spagna does not disclose anything about a user’s age, and claim 69 is also allowable for this additional reason.

Claim 70

Claim 70 is allowable by virtue of its dependence from claim 68 and for at least the reasons given for claim 68.

Moreover, Spagna does not disclose anything about a user’s residence, and claim 69 is also allowable for this additional reason.

Claims 71-72, 74, 77-91

Claims 71-72, 74, and 77-91 are allowable by virtue of their dependence from claim 68 and for at least the reasons given for claim 68.

Rejection of Claims 73, 75, and 76 Under 35 U.S.C. § 103(a) Over Spagna et al.

And Further In View Of Eichstaedt et al. (U.S. Patent No. 6,108,645)

Claims 73, 75, and 76 are allowable by virtue of their dependence from claim 68 and for at least the reasons given for claim 68.

In the event additional fees are due as a result of this amendment, the Commissioner is hereby authorized to charge any deficiency of fees submitted herewith, or credit any overpayment, to Deposit Account No. 07-1897.

If the Examiner believes that a telephone interview would be helpful, he is respectfully requested to contact the Applicants' agent at (425) 455-5575.

Dated this 4th day of June, 2009.

Respectfully submitted,

/CAWiklof/

Christopher A. Wiklof
Registration No. 43,990

Customer No. 72455

Graybeal Jackson LLP
155 - 108th Avenue NE, Suite 350
Bellevue, Washington 98004-5973
Telephone: 425.455.5575
Facsimile: 425.455.1046